

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JESSE GARDNER

v.

MONTGOMERY COUNTY OF
PENNSYLVANIA, et al.

:
:
:
:
:
:
:

CIVIL ACTION

No. 17-4801

ORDER

AND NOW, this 12th day of September, 2018, upon careful and independent consideration of Petitioner Jesse Gardner's pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, the response in opposition to the Petition, and the available state court records, and after review of the Report and Recommendation of United States Magistrate Judge Richard A. Lloret, to which no objections have been filed,¹ it is ORDERED:

1. The Report and Recommendation (Document 22) is APPROVED and ADOPTED;
2. Gardner's petition for writ of habeas corpus is DENIED and DISMISSED; and
3. A certificate of appealability shall not issue, as Gardener has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

¹ The Report and Recommendation was sent to all parties of record on August 28, 2018, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. *See* Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B), and subsections 1(c) and (d) of this Rule within fourteen (14) days after being served with a copy thereof."). As of today's date, no objections have been filed.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.